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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,295	03/29/2004	Sutherland Cook Ellwood JR.	20028-7004	1807

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EXAMINER

RUDE, TIMOTHY L

ART UNIT	PAPER NUMBER
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2871

MAIL DATE	DELIVERY MODE
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08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/812,295	Applicant(s) ELLWOOD, SUTHERLAND COOK	
	Examiner TIMOTHY RUDE	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 111-121 is/are pending in the application.
- 4a) Of the above claim(s) 111-118 and 120 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 119 and 121 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

All claims (19-36 and 91-110) are canceled. Claims 111-121 are added.

Claim Rejections - 35 USC § 112

Rejection of claims 19-36 and 91-110 under 35 U.S.C. 112, second paragraph, is now moot and withdrawn.

Election/Restrictions

Newly submitted claims 111-118 and 120 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: They are not drawn to a method of providing a display function per election without traverse of 13 April 2006 and per office action on the merits of 30 June 2006.

Applicant is limited to the species of the claimed invention that has received an office action on the merits.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 111-118 and 120 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

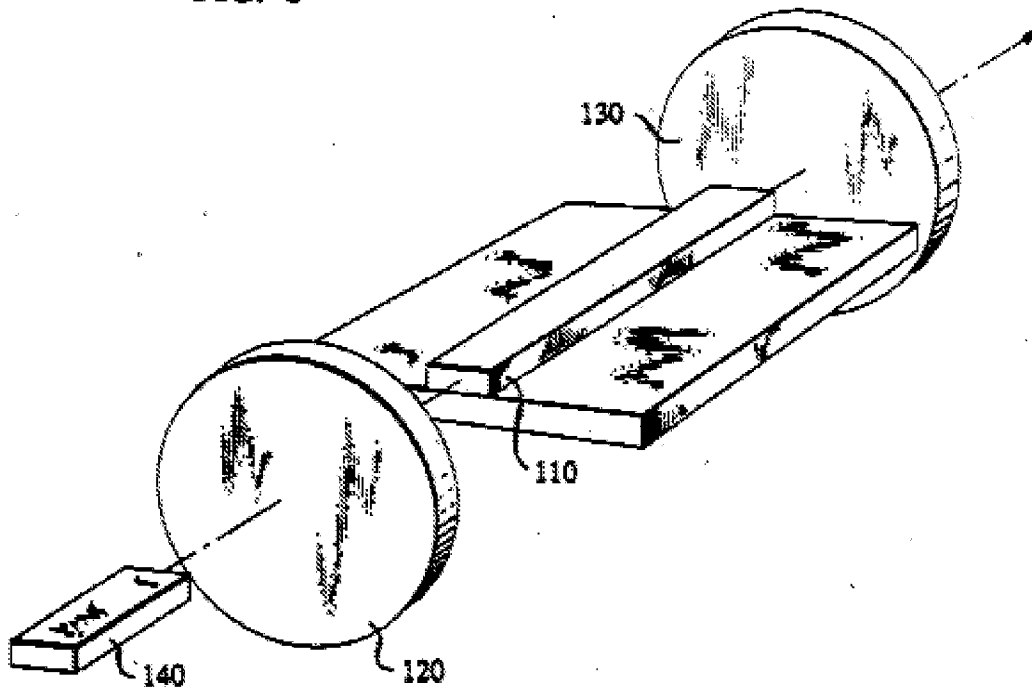
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 119 and 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon, Jr. et al (Dillon) USPAT 5,031,983 in view of Bischel et al (Bischel) USPAT 6,078,704.

As to claims 119 and 121, they are considered drawn to the same species of the claimed invention that has received the following rejection on the merits. If Applicant does not agree, the claims will be withdrawn as having limitations drawn to non-elected species.

Dillon discloses improvements to a prior art integrated magneto-optic device [col. 1, line 10 through col. 4, line 56] that is a radiation wave intensity modulator, comprising: a first element for producing a wave component from a radiation wave [light source, 140, in Figure 6], said wave component having a polarization property wherein said polarization property is one polarization from a set of orthogonal polarizations [col. 1, lines 21 and 22 and items 120 and 130 in Figure 6]; an optical transport for receiving said wave component, said transport having a waveguiding region [YIG doped fiber],

FIG. 6



and one or more guiding regions coupled to said waveguiding region [regions between the polarizers and the YIG doped light guide in the integrated form of the device, col. 1, lines 52-60]; a transport influencer [magnetic coil, col. 7, lines 34-38], operatively coupled to said optical transport and having at least a portion integrated with one or more guiding regions of said one or more guiding regions [integrated form per col. 1, lines 52-60], for affecting said polarization property of said wave component responsive to a control signal; and a second element for interacting with said affected wave component wherein an intensity of said wave component is varied responsive to said control signal [signal resulting in electromagnetic coil producing a field strength of

30 Oe, col. 7, lines 34-38]; wherein said first element and said second element are polarization filters [col. 1, lines 21 and 22].

Dillon does not explicitly disclose (illustrate) all of the details of the structure of the fully integrated device [see schematic representation at Figure 6].

Dillon teaches that all of the features may be incorporated in a fully integrated device [col. 1, lines 52-60] to serve as a building block for integrated optical devices.

Dillon is evidence that workers of ordinary skill in the art would find the reason, suggestion, or motivation to add all of the details of the above structure into a fully integrated device to serve as a building block for integrated optical devices.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Dillon to contain all of the details of the above structure in a fully integrated device of Dillon to serve as a building block for integrated optical devices.

Dillon does not explicitly disclose a display method, the method comprising: producing a radiation wave for each of a plurality of modulators, and asserting selectively each said control signal to independently control said intensity of each said modulator.

Bischel teaches the use of integrated electro-optical modulators in a display method, the method comprising: producing a radiation wave for each of a plurality of modulators, and asserting selectively each said control signal to independently control said intensity of each said modulator in order to take advantage of semiconductor diode

laser light sources to provide a high brightness, energy efficient, flat panel pixel display [Abstract and col. 4, lines 25-50].

Bischel is evidence that workers of ordinary skill in the art would find the reason, suggestion, or motivation to add the use of integrated electro-optical modulators (of most any type, including electromagnetic) in a display method, the method comprising: producing a radiation wave for each of a plurality of modulators, and asserting selectively each said control signal to independently control said intensity of each said modulator in order to take advantage of semiconductor diode laser light sources to provide a high brightness, energy efficient, flat panel pixel display.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Dillon with the use of integrated electro-optical modulators of Dillon in a display method, the method comprising: producing a radiation wave for each of a plurality of modulators, and asserting selectively each said control signal to independently control said intensity of each said modulator of Bischel in order to take advantage of semiconductor diode laser light sources to provide a high brightness, energy efficient, flat panel pixel display.

Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of all new claims and their new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY RUDE whose telephone number is (571)272-2301. The examiner can normally be reached on Increased Flex Time Program.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nelms C. David can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2871

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tlr

/TIMOTHY RUDE/
Primary Examiner, Art Unit 2871